



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DeGoey, et al.

SERIAL NO.: 10/733,946

FILED: December 11, 2003

FOR: HIV PROTEASE INHIBITING
COMPOUNDS

EXAMINER: (not assigned)

GROUP ART NO.: 1642

CASE NO.: 7263.US.01

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Commissioner for Patents
Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Deposit: *October 8, 2004*
Kathleen Boettcher
Kathleen Boettcher

**DECLARATION AND POWER OF ATTORNEY
FOR A UNITED STATES PATENT APPLICATION**

As a below-named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original and first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "HIV PROTEASE INHIBITING COMPOUNDS", the specification of which was filed on December 11, 2003, and received serial number 10/733,946.

I hereby state that I have reviewed and understand the contents of the above-mentioned specification, including the claims.

I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

Claim to benefit of foreign application(s):

I hereby claim foreign priority benefits under 35 U.S.C. §119 for the following foreign application(s) for patent or inventor's certificate:

NONE

The following foreign applications for patent or inventor's certificate have a filing date earlier than the filing date of the application(s) identified above:

NONE

Claim to benefit of earlier U.S. application(s):

I hereby claim the benefit under 35 U.S.C. §120 of the following earlier-filed United States patent application(s):

None

Insofar as the subject matter of each of the claims of this/these application(s) is not disclosed in the prior U.S. applications in the manner required by 35 U.S.C. §112, first paragraph, I acknowledge a duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. which came into existence between the filing date(s) of the prior applications and the national or PCT filing date of this application.

I hereby appoint the following Attorneys and/or agents to prosecute this application and any continuation or divisional applications based hereon, and to transact all business in the Patent and Trademark Office connected therewith:

The undersigned hereby authorizes the U.S. attorney(s) or agent(s) named herein to accept and follow instructions from the assignee, if any, of the undersigned as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney(s) or agent(s) and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney(s) or agent(s) named herein will be so notified by the undersigned.

As a named inventor, I hereby appoint the registered practitioner(s) identified by Customer No. 23492 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, whose firm name, mailing address, telephone number, and facsimile number for this application are:

ABBOTT LABORATORIES
Patents and Trademarks Department
Dept. 377 – AP6A-1A
100 Abbott Park Road
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Send Correspondence to: Robert DeBerardine
Abbott Laboratories
D-377/AP6A
100 Abbott Park Road
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Direct telephone calls to: Kalim S. Fuzail
(847) 935-7835

Name: (first, middle, last): David A. DeGoey
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Residence: Salem, WI 53168
Citizenship: United States of America

Name: (first, middle, last): Charles A. Flentge
Post Office Address: 8628 225th Avenue; Salem WI 53168
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Citizenship: United States of America

Name: (first, middle, last): William J. Flosi
Post Office Address: 342 N. Ridge; Unit 2; Evanston, IL 60202
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Name: (first, middle, last): David J. Grampovnik
Post Office Address: 2500 Walnut Street; Waukegan, IL 60087
Residence: Waukegan, IL 60087
Citizenship: United States of America

Name: (first, middle, last): Dale J. Kempf
Post Office Address: 256 Tyler Court; Libertyville, IL 60048
Residence: Libertyville, IL 60048
Citizenship: United States of America

Name: (first, middle, last): Larry L. Klein
Post Office Address: 26 Washington Road; Lake Forest, IL 60045
Residence: Lake Forest, IL 60045
Citizenship: United States of America

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of

Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<u>David A. DeGoey</u> 9-1-04	<u>Charles A. Flentge</u> 9-1-04
David A. DeGoey	Charles A. Flentge
Date	Date

<u>William J. Fiosi</u> 9/1/04	<u>David J. Grampovnik</u> 9-1-04
William J. Fiosi	David J. Grampovnik
Date	Date

<u>Dale J. Kempf</u> 8/31/04	<u>Larry L. Klein</u> 9/1/04
Dale J. Kempf	Larry L. Klein
Date	Date



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Kathleen Boettcher
Kathleen Boettcher

VERIFIED STATEMENT OF FACTS OF KALIM S. FUZAIL

Commissioner for Patents
Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450



Dear Sir:

1. As part of my duties I am responsible for the preparation and filing of patent applications for Abbott Laboratories' Diagnostics Division and I am the Attorney of Record for Applicants in U.S. Patent Application Serial Number 10/733,946 filed December 11, 2003.

2. At the time U.S. Patent Application Serial Number 10/733,946 was filed, I was unaware of the inventive contributions of David A. DeGoey, Charles A. Flentge, William J. Flosi, David J. Grampovnik, and Dale J. Kempf to the invention claimed in above patent application.

3. After the above application was filed, a question regarding the inventorship of the above application arose. After reviewing the application for patent, I concluded that David A. DeGoey, Charles A. Flentge, William J. Flosi, David J. Grampovnik, and Dale J. Kempf were erroneously omitted as joint inventors of the invention, and that this omission was in error without deceptive intent.

4. After the error was discovered, I initiated corrective steps including having statements of fact prepared and obtaining executed declarations of inventorship from all of the inventors.

Kafim S. Fuzail Date
Registration No. 45,805
Attorney for Applicants